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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TASH HEPTING, GREGORY HICKS, CAROLYN JEWEL and ERIK KNUTZEN on Behalf of Themselves and All Others Similarly Situated, Plaintiffs, vs. AT&T CORP., AT&T INC. and DOES 1-20, inclusive, Defendants.	No. C-06-00672-VRW DATE: TIME: CTRM: 6, 17th Floor JUDGE: Hon. Vaughn R. Walker, Chief U.S. Dist. Judge

NOTICE OF CONSENT MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE CENTER FOR CONSTITUTIONAL RIGHTS AND THE AMERICAN CIVIL LIBERTIES UNION PURSUANT TO STIPULATION OF THE PARTIES [CIVIL L.R. 7-11]

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that on ___________, 2006, at ____ _.m., in Courtroom 6 of the above-captioned Court, located at 450 Golden Gate Ave., 17th Floor, San Francisco, California, the undersigned proposed Amici Curiae will and hereby do move the Court for leave to appear and file the accompanying proposed *Brief of Amici Curiae* supporting unsealing of the documents provided to plaintiffs' counsel the Electronic Frontier Foundation by former AT&T employee Mark Klein and filed with the court under seal pursuant to Local Rule 79-5.

Proposed amici are the Center for Constitutional Rights and the American Civil Liberties Union, both national non-profit legal and educational organizations, as described in the Statements of Interest in the attached proposed brief. On January 17 of this year, amici brought separate lawsuits challenging the legality of the NSA Program and seeking injunctive relief against it. *See Center for Constitutional Rights, et al. v. Bush, et al.*, 06-cv-313 (GEL) (S.D.N.Y.); *American Civil Liberties Union, et al. v. National Security Agency/Central Security Service, et al.*, No. 2:06-CV-10204 (ADT) (E.D. Mich.).

Proposed amici believe the attached brief of amici curiae is desirable in this case, and the matters asserted are relevant to the disposition of this case, because the attached brief sets forth legal arguments based on the public interest in openness of court proceedings and filings, and also sets forth the specific interests of the American public in the presumptive content of the sealed documents, which are perspectives distinct from those of the litigants.

Proposed amici have sought and received the consent of counsel for plaintiffs and defendants to the filing of this brief, pursuant to the conditions indicated in the attached stipulation of the parties.

For the above stated reasons, amici respectfully request that the Court grant this motion and accept the attached brief of amici curiae.

Respectfully submitted,

/s/

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April 24, 2006

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TASH HEPTING, GREGORY HICKS, CAROLYN JEWEL and ERIK KNUTZEN on Behalf of Themselves and All Others Similarly Situated,

Plaintiffs,

vs.

AT&T CORP., AT&T INC. and DOES 1-20, inclusive,

Defendants.

No. C-06-00672-VRW

[PROPOSED] ORDER REGARDING LEAVE TO FILE BRIEF OF AMICI CURIAE CENTER FOR CONSTITUTIONAL RIGHTS AND THE AMERICAN CIVIL LIBERTIES UNION

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Pursuant to Civil Local Rule 7-11, the stipulation of the parties, and good cause appearing, it is HEREBY ORDERED as follows:

Proposed amici the Center for Constitutional Rights and the American Civil Liberties Union are granted leave to appear as amici curiae and the Court will accept for filing their *Brief of Amici Curiae* of April 24, 2006, supporting unsealing of the documents provided to plaintiffs' counsel the Electronic Frontier Foundation by former AT&T employee Mark Klein and filed with the court under seal pursuant to Local Rule 79-5.

* * *

ORDER

IT IS SO ORDERED.

DATED:______________________ ____________________________________

THE HON. VAUGHN R. WALKER
CHIEF UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

TASH HEPTING, GREGORY HICKS, CAROLYN JEWEL and ERIK KNUTZEN on Behalf of Themselves and All Others Similarly Situated, Plaintiffs, vs. AT&T CORP., AT&T INC. and DOES 1-20, inclusive, Defendants.	No. C-06-0672-VRW **STIPULATION RE: PARTICIPATION OF AMICI CURIAE IN CIVIL LOCAL RULE 79-5 PROCEEDINGS; AND [PROPOSED] ORDER** Courtroom: 6, 17th Floor Judge: Hon. Vaughn R. Walker

RECITALS

A. Would-be Amici Curiae ("Amici") have expressed an interest in filing amicus briefs on the issue of whether documents lodged with this Court pursuant to Civil Local Rule 79-5 should be filed under seal or not (the "Sealing Issue").

B. The parties do not object to the participation of qualified Amici in briefing on the Sealing Issue provided that (1) their participation is on the terms and conditions set forth in this stipulation and (2) such terms and conditions are acceptable to the Court.

STIPULATION

Plaintiffs TASH HEPTING, GREGORY HICKS, CAROLYN JEWEL and ERIK KNUTZEN (collectively, "Plaintiffs"), through their attorneys of record, and Defendant AT&T CORP. and specially appearing defendant AT&T INC. (collectively, "Defendants"), through their attorneys of record, hereby stipulate that they have no objection to the participation of qualified Amici in briefing on the Sealing Issue on the following terms:

1. Amici shall file and serve their briefs no later than Monday, April 24, 2006. Service by Amici of their briefs on the parties shall be made and completed the same day by e-service (via ECF), hand service, emailing of .pdfs or fax.

2. The parties will e-file and e-serve their responses (if any) to Amici supporting the other side by Friday, April 28.

3. This stipulation applies only to the Sealing Issue.

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DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, BRUCE A. ERICSON, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from the other signatory listed below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on April 21, 2006, at San Francisco, California.

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By ___/s/ Cindy Cohn_________________________
Cindy Cohn

Attorneys for Plaintiffs

[PROPOSED] ORDER

Pursuant to the above stipulation, and good cause appearing,

IT IS SO ORDERED.

Dated: April __, 2006.

____
Hon. Vaughn R. Walker
United States Chief District Judge